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IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

PHILLIP W. DUNN, Petitioner, **v.** **KEN CLARK, Warden,** Respondent.	08-cv-0485 BTM (JMA) **NOTICE OF MOTION AND MOTION TO DISMISS** (No Hearing Required) The Honorable Jan M. Adler

TO PETITIONER PHILLIP DUNN PROCEEDING IN PRO SE:

PLEASE TAKE NOTICE that Respondent hereby moves this Court for an Order dismissing the Petition for Writ of Habeas Corpus because the Petition is barred by the Statute of Limitations. This motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, and on the pleadings filed or documents lodged in this action.

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WHEREFORE, Respondent respectfully requests the Petition be dismissed with prejudice.

Dated: June 26, 2008

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of the State of California

DANE R. GILLETTE
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CERTIFICATE OF SERVICE BY U.S. MAIL

Case Name: **Dunn v. Clark**

No.: **08-cv-0485 BTM (JMA)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On June 26, 2008, I served the following documents:

(1) NOTICE OF MOTION AND MOTION TO DISMISS; (2) MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS; and (3) NOTICE OF LODGMENT IN 28 U.S.C. § 2254 HABEAS CORPUS CASE - TO BE SENT TO CLERK'S OFFICE

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Phillip W. Dunn
T-79951
CA Substance Abuse Treatment Facility
P.O. Box 5248
Corcoran, CA 93212

In Pro Se

Electronic Mail Notice List

I have caused the above-mentioned document(s) to be electronically served on the following person(s), who are currently on the list to receive e-mail notices for this case: None

Manual Notice List

The following are those who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing): **Phillip W. Dunn** at the above-named address.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 26, 2008, at San Diego, California.

Bonnie Peak	Bonnie Peak
Declarant	Signature

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